

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

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|------------------------|---|----------------------------------|
| DARREAL HAYES, | : | |
| | : | |
| Petitioner, | : | Case No. 1:24-cv-436 |
| | : | |
| - vs - | : | District Judge Susan J. Dlott |
| | : | Magistrate Judge Michael R. Merz |
| WARDEN Hamilton County | : | |
| Justice Center, | : | |
| | : | |
| Respondent. | : | |

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (ECF No. 23), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendation.

Accordingly, it is hereby ORDERED that the Petition be DISMISSED without prejudice to refiling if necessary after exhaustion. Petitioner is DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

February 20, 2025.



Susan J. Dlott
United States District Judge